

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Kari Bornhoft,

Case Type: Personal Injury

Plaintiff,

Court File No.: _____

v.

Honorable Judge: _____

SECOND AMENDED SUMMONS

Superior Plus Construction Products Corp.,
FBM Galaxy, Inc., and Foundation Building
Materials, LLC,

Defendants.

THIS SUMMONS IS DIRECTED TO SUPERIOR PLUS CONSTRUCTION PRODUCTS CORP., FBM GALAXY, INC., AND FOUNDATION BUILDING MATERIALS, LLC:

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at: 3900 Northwoods Drive, Suite 200, St. Paul, Minnesota 55112-6966.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can

EXHIBIT A

get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

BURKE & THOMAS, PLLP

Dated: March 1, 2022

by 

John M. Burke (#13158)

Michael Beinert (#0353395)

3900 Northwoods Drive, Suite 200

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(651) 490-1808

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ATTORNEYS FOR PLAINTIFF

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Personal Injury

Court File No.:

Honorable:

Kari Bornhoft,

Plaintiff,

v.

SECOND AMENDED COMPLAINT

Superior Plus Construction Products Corp.,
FBM Galaxy, Inc. and Foundation Building
Materials, LLC,

Defendants.

Plaintiff Kari Bornhoft, for her claims for relief, states and alleges that:

I

On June 23, 2016, at approximately 4:45 p.m. Plaintiff Kari Bornhoft was driving her motor vehicle eastbound on Minnesota Highway 36 in the City of Roseville, County of Ramsey and State of Minnesota.

II

At that time and place, Chad Curtis was operating a commercial motor vehicle registered in the State of Minnesota.

III

Upon information and belief, Mr. Curtis was operating the commercial motor vehicle in the course and scope of his employment.

IV

As a result of the negligence of Chad Curtis, a collision occurred between the vehicle operated by Mr. Curtis and the vehicle operated by Plaintiff.

V

Upon information and belief, on June 23, 2016, the vehicle driven by Mr. Curtis was registered in the State of Minnesota to Winroc-SPI.

VI

According to records obtained through the Minnesota Secretary of State, Winroc-SPI was an assumed name, and the name holder for Winroc-SPI was Superior Plus Construction Products Corp., a business incorporated in the State of Pennsylvania.

VII

Upon information and belief, on or about August 11, 2016, Superior Plus Construction Products Corp. was part of a merger that resulted in Superior Plus Construction Products Corp. becoming FBM Galaxy, Inc., a business incorporated in the State of Pennsylvania.

VIII

Upon information and belief, on or about December 21, 2017, FBM Galaxy, Inc. merged with Foundation Building Materials, LLC, a business incorporated in the State of California. Upon information and belief, the surviving entity is Foundation Building Materials, LLC.

IX

As a result of this motor vehicle collision, Plaintiff sustained injuries satisfying the thresholds set forth in Minn. Stat. § 65B.51, Subd. 3. She has in the past and will in the future incur medical and hospital expenses for the treatment of her injuries. She has in the past and will in the future incur a loss of earnings and of earning capacity. She has in the past and will in the

future suffer great physical and mental pain. Therefore, Plaintiff has been damaged and injured in an amount greater than Fifty Thousand and No/100 (\$50,000.00) Dollars.

WHEREFORE, Plaintiff Kari Bornhoft prays judgment against Defendants in an amount greater than Fifty Thousand and No/100 (\$50,000.00) Dollars, together with interest, costs and disbursements incurred.

BURKE & THOMAS, PLLP

Dated: March 1, 2022

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ATTORNEYS FOR PLAINTIFF

ACKNOWLEDGEMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney's and witness fees may be awarded pursuant to Minn. Stat. § 549.211, subd. 2, to the opposing party.

Dated: March 1, 2022

by 

Michael Beinert (#0353395)